Mr. M. K. Devassy *(Adur):* Is it that the Government is never informed of the people who are recruited from this State?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* We have no information.

Mr. President: There is no recruiting in the State. If the hon'ble member refers to recruitment of Cochinites outside the State, how can we know about it?

Mr. T. V. Subramania Ayyar *(Nemmara):* Is there any recruitment in the State?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* No.

Mr. M. K. Devassy *(Adur):* What I want to know to this. When a Cochinite is recruited to the British Force outside the State, is there any information which the Government get?

Mr. President: If a Cochinite in Bombay gets recruited, do we get any information?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* No.

Mr. M. K. Devassy *(Adur):* May I know whether Government receive any information in the case of a Cochinite now residing in Cochin State if he gets recruited in the British force?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* We do not get any information.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are there not cases where Police officers have counter-signed their applications?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* If any application is put in before a particular officer, it is his duty to forward it.

Mr. M. K. Devassy *(Adur):* Does the Government consider the desirability of knowing the number of Cochinites that are being recruited from time to time to the British Forces?

Mr. President: I do not know whether the military authorities will keep us informed of the number recruited.

TODDY SHOPS—CHECKING OF MEASURES IN

60. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will the Government be pleased to state.—

(*a*) the standard measure of capacity which is in use in the toddy shops of Cochin for the purpose of receiving the toddy produced and brought by the tappers or labourers to such shops;

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(*b*) whether the Excise Officers or Police Officers have checked these measures used in such shops ;

(*c*) whether there have not been complaints that the measures used in such shops are false ones ;

(*d*) whether the Police Officers have verified that the measures referred to above are authorised and certified under the provisions of the Cochin Weights and Measures Act (Act LXIII of 1112) ?

Mr. M. Raman Menon *(Commissioner of Excise):*

(*a*) There is no standard measure prescribed.

N. B.—The toddy produced and brought to a shop by the tappers or labourers is the property of the shop-keeper, who alone is entitled to apply for and obtain licenses for the tapping of the required number of trees for his shop, and irrespective of the yield of the trees, all toddy drawn for a particular shop has, according to the rules, to be produced in that shop. The handing over of this toddy, whether by the tappers or by the labourers, all of whom are employed by the shop-keeper, does not amount to "sale" and therefore there arises no necessity to insist on a standard measure for measuring this toddy.

(*b*) No answer is necessary in view of the answer to (*a*).

(*c*) There were no specific complaints in the matter but when the Irinjalakkuda Tappers' Association was in existence last year, they had sent up copies of certain resolutions passed by them, which among other things contained a request to stop the exploitation by the shop-keepers who were alleged to be not properly measuring the toddy while receiving it from the tappers. The supply of toddy by the tappers who are employed by the shop-keepers for tapping trees licensed for their shops is governed by private arrangements between the shop-owners and the tappers and the Department has therefore no necessity to interfere in the matter.

(*d*) No.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* On what basis is the remuneration given by the licensees to the tappers? Is it not on the basis of toddy given to the licensees?

Mr. M. Raman Menon *(Commissioner of Excise):* It is a matter of private arrangement between the shop owner and the

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tapper. The Department is not aware of any permanent or fixed arrangement.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are there not standard measures prescribed for use in Cochin State?

Mr. M. Raman Menon *(Commissioner of Excise):* Only for sale.

Mr. P. K. Madhava Menon *(Narakkal):* And not for purchases?

Mr. M. Raman Menon *(Commissioner of Excise):* Of course, purchase implies sales.

Mr. T. V. Subramania Ayyar *(Nemmara):* Has there been any complaint from the consumers of deficit in quantity purchased by them? *(Laughter).*

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Section 12 of the Cochin Weights and Measures Act says that whoever in contravention of any rule or notification issued under that Act uses any weight, measure, weighing machine or balance not duly authorised shall be punishable with imprisonment. So will it not come under that section?

Mr. M. Raman Menon *(Commissioner of Excise):* For toddy to be sold from the shop a measure is fixed, but not for the toddy that is received from the tapper. Just as in the case of an ordinary lease where the lessor may agree with the lessee to receive *pattam* in *patta-paras* and other measures, so also in this case the quantity may be fixed at certain *kudams* of toddy.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are not *patta-paras* standardised now?

Mr. M. Raman Menon *(Commissioner of Excise):* No. It is a private arrangement.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are Government aware that it is really purchased from the tappers?

Mr. M. Raman Menon *(Commissioner of Excise):* It is just the other way. The department knows that it is not a purchase. It is the toddy belonging to the shop owner that is received by the shop owner from the tapper.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are they not paid on some basis or other?

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Mr. M. Raman Menon *(Commissioner of Excise):* They are paid for the labour done.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* By what method does the licensee know of the labour involved?

Mr. M. Raman Menon *(Commissioner of Excise):* That is a private arrangement between the shop owner and the tapper.

Mr. T. V. Subramania Ayyar *(Nemmara):* The question is whether there is any exploitation of the tapper by the shop owner.

Mr. M. Raman Menon *(Commissioner of Excise):* There is no such complaint.

മിസ്റ്റർ വി. കെ. കുട്ടി: ഈ കാര്യത്തിൽ വൃക്ഷനികുതി കൊടുക്കേണ്ടതാരാണ്?

മിസ്റ്റർ എം. രാമൻമേനോൻ: ഷാപ്പുടമസ്ഥനാണ കൊടുക്കേണ്ടത്".

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: വൃക്ഷനികുതി കൊടുക്കാതെ ടാപ്പു ചെയ്യാൽ ശിക്ഷ വരുന്നതു ടാപ്പുക്കു മാത്രമാണൊ?

മിസ്റ്റർ എം. രാമൻമേനോൻ: വൃക്ഷനികുതി കൊടുക്കാതെ ടാപ്പു ചെയ്യാൽ ടാപ്പു ചെയ്യുന്നവരെയാണ ശിക്ഷിക്കുന്നത്".

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Here it is stated that licensee is entitled to apply and obtain license and that the licensee is taking the toddy, but are not the tappers punished?

Mr. M. Raman Menon *(Commissioner of Excise):* Yes. Because it is the tapper who commits the offence and he is proceeded against.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Does he tap for him or for the shop owner?

Mr. M. Raman Menon *(Commissioner of Excise):* But illicit tapping is done by the tapper. For tapping there must be a license. Unless he has a license he commits an offence.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Is there any legal difficulty which prevents the department from prescribing any standard measure?

Mr. M. Raman Menon *(Commissioner of Excise):* Standard measure is necessary only so far as the sale is concerned. Suppose they agree to pay at a certain number of potfuls of toddy, say for 5 *kudams* they agree to pay so many rupees. What has the Government or the department to do in the matter?

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Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* There it is sale.

Mr. M. Raman Menon *(Commissioner of Excise):* No. He is only paid for the labour.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* It is not so. He is paid for the toddy.

Mr. M. Raman Menon *(Commissioner of Excise):* The toddy belongs to the shop owner.

Mr. M. K. Devassy *(Adur):* Are there cases where the wages depend upon the quantity?

Mr. M. Raman Menon *(Commissioner of Excise):* The department has no information.

Mr. M. K. Devassy *(Adur):* Will the Government inquire about it?

Mr. M. Raman Menon *(Commissioner of Excise):* The arrangement will vary. Suppose payment is for the number of trees tapped or for the quantity of toddy to be supplied, in either case it is an arrangement between the parties.

Mr. M. K. Devassy *(Adur):* If the Government knows that there are cases where the payment to the tapper is dependant upon the quantity supplied, will the Government prescribe standard measures?

Mr. M. Raman Menon *(Commissioner of Excise):* It will be an unnecessary interference with the agreements between the parties.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* But, in some cases, you interfere. If the purchaser has no complaint why should the Police interfere? Will not the very same rule apply to this also?

Mr. M. K. Devassy *(Adur):* Is the Government aware that in the case of the so-called sales, weights and measures have been prescribed? There also it is an agreement.

Mr. M. Raman Menon *(Commissioner of Excise):* That sale is regulated by law. It is not a private arrangement.

Mr. M. K. Devassy *(Adur):* If it is a question of sale will the Government prescribe standard measures?

Mr. M. Raman Menon *(Commissioner of Excise):* There is no sale.

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Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Who is the owner of the toddy ?

Mr. M. Raman Menon *(Commissioner of Excise):* The shop owner.

Mr. President: It is really a question of wages based upon the out-turn of work and if they prescribe their own measure of work or out-turn, how can the department interfere? They will have their own standards according to the local or individual custom. This is what is called the piece-wage system. A man may be paid for the actual number of trees tapped or for so many pots of toddy supplied. How can this question of weights and measures come in here for the department to interfere?

Mr. M. K. Devassy *(Adur):* But here the payment is dependant upon the quantity supplied. If payment is to be made on the number of *Kudams* of toddy to be supplied and if the *Kudam* is changed subsequently then the tapper is put to difficulty.

Mr. President: Government cannot control it.

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